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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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AKT-101/US

1954

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EXAMINER

MYHRE, JAMES W

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

07/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/365,586	Applicant(s) KELLER ET AL.	
	Examiner James W. Myhre	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on November 4, 2004 (after-final).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Petition Decision granted on March 29, 2006 reviving the application which was abandoned on July 10, 2003. The after-final amendment filed on November 4, 2004 has NOT been entered because it does not place the application in condition for allowance. While allowable subject matter had been indicated in the final rejection of December 18, 2002, a current updated search has located prior art which reads upon the features that were previously indicated to be allowable as shown below. Since the after-final amendment has not been entered, Claims 1-35 and 37-72 remain pending and have been considered below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 10-13, 15, 16, 59-61, and 68-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Ray et al (6,067,529).

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Claims 1 and 59: Ray discloses a method and program of obtaining electronic purchases, comprising:

- a. accepting registrations from a plurality of customers including a customer email address (actual transport address)(column 4, lines 15-63);
- b. providing a registered email address (alias address) to each customer (column 4, lines 15-63); and
- c. accepting transaction acknowledgement email (short message) sent to the registered email address from at least one retailer (column 4, lines 15-63).

Claims 2 and 60: Ray discloses a method and program as in Claims 1 and 59 above, and further discloses storing information from the transaction acknowledgement email into a transaction database (column 4, lines 15-63).

Claims 3 and 61: Ray discloses a method and program as in Claims 1 and 59 above, and further discloses forwarding the transaction acknowledgement email to the customer's email address (actual transport address)(column 4, lines 15-63).

Claims 10-13 and 68-70: Ray discloses a method and program as in Claims 1 and 59 above, and further discloses the transaction acknowledgement email comprises products purchased, product costs, transaction identifiers, and shipping information (column 3, lines 36-40 and column 5, lines 42-44).

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Claim 15: Ray discloses a method as in Claim 2 above, and further discloses assisting the customer with their interaction with the electronic retailer. The Examiner considers the whole of the Ray invention to be "assisting the customer" in that it verifies the transaction information, the authenticity of the customer, the retailer, and payment information and is "beneficial when attempting to obtain a refund" (column 5, lines 42-44). All of which assist the customer in the transaction.

Claim 16: Ray discloses a method as in Claim 15 above, and further discloses the customer interaction comprises a product return ("attempting to obtain a refund") (column 5, lines 42-44).

4. Claims 24, 39, 40, 43, 52, and 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Bisbee et al (5,615,268).

Claim 24: Bisbee discloses a method for tracking electronic commerce information, comprising:

- a. Accepting a registration from an electronic commerce customer (col 3, lines 58-67);
- b. Assigning an electronic identification code to the customer (i.e. customer's public/private key and PIN)(col 3, lines 60-64);

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c. Automatically forwarding information from an electronic acknowledgment of an electronic transaction executed by the customer (i.e. the transaction data along with the digital signature and time stamp)(col 5, lines 1-28 and 43-54); and

d. Storing the information from the electronic commerce transaction acknowledgment into a transaction file associated with the customer code within an electronic transaction database (col 5, lines 30-42).

Claims 39 and 40: Bisbee discloses a method for tracking electronic commerce information as in Claim 24 above, and further discloses accessing an electronic commerce site using authentication information, such as a username and password (col 5, lines 28-35).

Claim 43: Bisbee discloses a method for tracking electronic commerce information as in Claim 24 above, and further discloses retrieving (datamining) the information from the transaction database (col 5, lines 30-42).

Claim 52: Bisbee discloses a method for tracking electronic commerce information as in Claim 24 above, and further discloses assisting the customer with their interaction with the electronic retailer. The Examiner considers the whole of the Bisbee invention to be "assisting the customer" in that it verifies the transaction information, the authenticity of the customer, the retailer, and payment information. All of which assist the customer in the transaction.

Claim 53: Bisbee discloses a method for tracking electronic commerce information as in Claim 52 above, and further discloses verifying the authenticity of the transaction information so it "can be used at a future date to prove conclusively that a party initiated or received a transaction" (col 5, lines 22-23), such as when a customer is returning the product for replacement or refund as is normal practice within the retail arts.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14, 17-23, 71, and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray et al (6,067,529).

Claims 14 and 71: Ray discloses a method and program as in Claims 13 and 70 above, but does not explicitly disclose accessing a third party shipping Internet site and retrieving shipping status information using the transaction identifiers or shipping information. However, Official Notice is taken that it is old and well known within the shipping industry to make such information available to their customers. Most, if not all, major shipping companies, such as FedEx, UPS, and DHL, offer shipment tracking features online (See Shavit et al previously provided). Therefore, it would have been

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obvious to one having ordinary skill in the art at the time the invention was made to allow the customer to access a third party shipping site to retrieve shipping status information. One would have been motivated to allow access to such a site in order to customer to better plan for the arrival of the ordered products, e.g. just-in-time delivery.

Claim 17: Ray discloses a method as in Claim 2 above, but does not explicitly disclose targeting special offers (advertisements) to a subset of customers by accessing the transaction database. However, Official Notice is taken that it is old and well known within the marketing arts to collect data about customer and to use such data to target advertisement, promotions, and special offers to desired subsets of the customers whose collected data matches the targeting criteria set by the merchant. This is known in the art as targeted marketing and has been used for many decades. For example, daytime soap operas got so named because in the 1950's and 1960's detergent manufacturers and retailers knew that a large percentage of viewers of this type of program, which were predominately presented between 9:00 a.m. and 3:00 p.m. (daytime) were young housewives who would be interested in their products, and heavily advertised their products during these programs, i.e. targeted their advertisements based on the predominant demographics of the viewers. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for the merchants in Ray to use the customer demographic information stored in their transaction database to target special offers to those subsets of

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customers who met their targeting criteria. One would have been motivated to do such targeting in order to increase the likelihood of a favorable response to the special offer.

Claims 18-22: Ray discloses a method as in Claim 2 above, but does not explicitly disclose updating the information with shipping information obtained from the customer, from the retailer, or from a third party. However, it is inherent that for electronic commerce transactions where the product purchased is a physical product that needs to be delivered to the customer, such shipping information must be first obtained. It would have been obvious to one having ordinary skill in the art at the time the invention was made to obtain this shipping information directly from the customer (as part of the order form); to obtain the information from the merchant's transaction database for returning customers; or once the order has been shipped to obtain shipment status information from the third party shipper as discussed in Claim 14 above. One would have been motivated to obtain the information from one of these three sources in order ensure the order is shipped to the desired location.

Claims 23 and 72: Ray discloses a method and program as in Claims 1 and 59 above, but does not explicitly disclose filtering spam sent to the registered email address. However, Official Notice is taken that it is old and well known within the Computer arts to filter unwanted incoming emails (spam). Most of the Internet Service Providers (ISPs) have been providing filtering capabilities to their email customers for years and

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there are many more third party filtering systems, such as Microsoft™ Outlook, available for purchase or free download which further enable users to filter out unwanted emails. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made for Ray to include such spam filtering capabilities, also. One would have been motivated to include spam filtering capabilities in order to present the customer with a clean, clear listing of the transactions data.

7. Claims 4 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray et al 6,067,529) in view of Milewski et al (5,930,471).

Claims 4 and 62: Ray discloses a method and program as in Claims 1 and 59 above, but does not explicitly disclose providing a record of transaction to a customer using a web site. However, Milewski discloses a similar method of using a "virtual mailbox" for sending and storing electronic messages (email) for a user, which further discloses maintaining the messages on the server for review by the user (column 2, lines 15-21) and further discloses the user accessing the messages "using standard World Wide Web protocols and processes" (column 9, lines 11-15) which "displays the current status (complete or incomplete) of messages send by the sender and messages sent to the sender" (column 9, lines 38-41). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to store the messages in Ray and to allow the user to access the stored messages using a web site (i.e. World Wide Web site). One would have been motivated to allow the user to access a record

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of transaction messages using a web site in order to print out an "old" receipt when needed for a refund or correction as discussed in Ray.

8. Claims 5 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray et al (6,067,529) in view of Talati et al (5,903,878).

Claims 5 and 63: Ray discloses a method and program as in Claims 2 and 60 above, but does not explicitly disclose automatically parsing the transaction acknowledgement email to obtain the information. However, Talati discloses a similar method for tracking electronic commerce information in which the acknowledgments are transmitted via email messages, which are then parsed to retrieve the information (col 10, lines 53-60 and col 11, lines 2-8). The Examiner notes that parsing locates and extracts data from within a document. Therefore Talati's extraction of the relevant data from the email is the equivalent of the Applicant's parsing. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to parse the electronic commerce acknowledgments being received in the Ray information to extract the relevant data. One would have been motivated to extract the data in this way in order to eliminate extraneous data from the file, such as routing trace information attached to files as they are sent through the nodes of the Internet.

9. Claims 6 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray et al (6,067,529) in view of Bisbee et al (5,615,268).

Claims 6 and 64: Ray discloses a method and program as in Claims 2 and 60 above, but does not explicitly disclose data-mining the transaction database for desired information. However, Bisbee discloses a similar method for tracking electronic commerce information and further discloses retrieving (data-mining) the information from the transaction database (column 5, lines 30-42). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to data-mine (retrieve) desired information from the transaction database in Ray. One would have been motivated to data-mine the desired information in order to retrieve the information pertinent to the user's request.

10. Claims 7, 8, 65, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray et al (6,067,529) in view of Bisbee et al (5,615,268) as applied to claims 6 and 64 above, and further in view of Jermyn (6,026,370).

Claims 7, 8, 65, and 66: Ray and Bisbee disclose a method and program as in Claims 6 and 64 above, but do not explicitly disclose that the electronic transaction information retrieved from the transaction database comprising a list of products often purchased using electronic commerce transactions or the relative popularity of various electronic commerce sites. However, Jermyn discloses a similar method for tracking electronic commerce information which also discloses using the information in the transaction database, such as products purchased, popularity of electronic retailers, etc. to target

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special offers to a subset of customers (see Abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the information stored in the database of Ray to present targeted offers to one or more of the customers. One would have been motivated to use the stored information in this way in order to provide another avenue of revenue for the system operator.

11. Claims 9 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ray et al (6,067,529) in view of Bisbee et al (5,615,268) as applied to claims 6 and 64 above, and further in view of Talati et al (5,903,878).

Claims 9 and 67: Ray and Bisbee disclose a method and program as in Claims 6 and 64 above, but do not explicitly disclose that the electronic transaction information comprises customer demographic information. However, Talati discloses a similar method for tracking electronic commerce information which also maintains customer demographic information, such as account number, originator's personal information (col 9, lines 39-41), birth date, mother's maiden name, social security number (col 11, lines 1-2), delivery address, etc. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include such personal information into the transaction database. One would have been motivated to include this type of information in order to facilitate the identification of the customer during the transaction and during the retrieval of the information (ensuring only "authorized" requests are filled).

12. Claims 25-35, 37, 38, 41, 42, 46-51, and 55-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bisbee et al (5,615,268) in view of Talati et al (5,903,878).

Claim 25: Bisbee discloses a method for tracking electronic commerce information as in Claim 24 above, but does not explicitly disclose automatically parsing the electronic commerce transaction acknowledgments to obtain the information. However, Talati discloses a similar method for tracking electronic commerce information in which the acknowledgments are transmitted via email messages, which are then parsed to retrieve the information (col 10, lines 53-60 and col 11, lines 2-8). The Examiner notes that parsing locates and extracts data from within a document. Therefore Talati's extraction of the relevant data from the email is the equivalent of the Applicant's parsing. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to parse the electronic commerce acknowledgments being received in the Bisbee information to extract the relevant data. One would have been motivated to extract the data in this way in order to eliminate extraneous data from the file, such as the routing trace information attached to files as they are sent through the nodes of the Internet.

Claims 26 and 42: Bisbee discloses a method for tracking electronic commerce information as in Claim 24 above, but does not explicitly disclose that the electronic

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transaction acknowledgment is a web pages. However, Talati discloses a similar method for tracking electronic commerce information and also discloses that the transaction data could be translated into HTML for display upon a web browser (e.g. displayed as a web page)(col 12, lines 42-46). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the transaction data in Bisbee onto a web page for retrieval by interested parties, such as the customer. One would have been motivated to place the data on a web page in order to prevent merchants from needing to store the email addresses for every customer and their corresponding central processor.

Claim 27: Bisbee and Talati disclose a method for tracking electronic commerce information as in Claim 26 above. As discussed in reference to Claim 25 above, Talati also discloses parsing the electronic commerce transaction acknowledgment to retrieve the information. Therefore, it would have also been obvious to one having ordinary skill in the art at the time the invention was made to parse the transaction data on the web page to retrieve the information. One would have been motivated to extract the information in this way from the web page in order to eliminate extraneous data from the file, such as the HTML formatting codes.

Claims 28 and 41: Bisbee discloses a method for tracking electronic commerce information as in Claim 24 above, but does not explicitly disclose that the document (acknowledgment) is delivered in the form of an email. However, Talati discloses a

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similar method for tracking electronic commerce information in which email is used to transfer the document between the participants (col 8, lines 17-29). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit the documents on Bisbee via email messages using their corresponding email addresses. One would have been motivated to use an email system in order to provide "a traceable delivery system" as discussed by Talati.

Claim 29: Bisbee and Talati disclose a method for tracking electronic commerce information as in Claim 28 above. As discussed in reference to Claims 25 and 27 above, Talati also discloses parsing the electronic commerce transaction acknowledgments to retrieve the information. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to parse the transaction data in Bisbee to retrieve the information. One would have been motivated to extract the information in this way in order to eliminate extraneous data from the file, such as the routing trace information attached to files as they are sent through the nodes of the Internet.

Claim 30: Bisbee and Talati disclose a method for tracking electronic commerce information as in Claim 28 above. Both references also disclose that the transaction information can be received directly from the merchant (Bisbee, col 8, lines 32-36)(Talati, col 10, lines 53-60).

Claims 31 and 35: Bisbee and Talati disclose a method for tracking electronic commerce information as in Claim 28 above. Both reference also discloses that the transaction information can be received directly from the customer (or via the customer's email server)(Bisbee, col 5, lines 36-42)(Talati, col 11, lines 11-16).

Claims 32 and 33: Bisbee and Talati disclose a method for tracking electronic commerce information as in Claim 31 above. Talati further discloses automatically identifying and sending the email messages by the email-serving sites (delivery system)(col 1, lines 27-38). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to automatically generate the transaction acknowledgments in Bisbee. One would have been motivate to automate this process in order to eliminate that need for "human" intervention, thus speeding up the entire transaction process.

Claim 34: Bisbee and Talati disclose a method for tracking electronic commerce information as in Claim 31 above. While neither reference explicitly disclose that the email-server is also an Internet Service Provider, Official Notice is taken that it is old and well known for Internet Service Providers to offer email service to their subscribers. The Examiner notes that in the past ten years each and every Internet Service Provider personally utilized by the Examiner, such as Erol's and America On-Line (AOL), provided email services. Therefore, it would have been obvious to one having ordinary

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skill in the art at the time the invention was made that the email-serving sites in the references could also provide Internet connection services (i.e. be Internet Service Providers). One would have been motivated to use the participant's Internet Service Provider as the email serving site in order to eliminate the need for the participant to register and pay another email server.

Claims 37 and 38: Bisbee and Talati disclose a method for tracking electronic commerce information as in Claim 24 above. Talati also discloses the customer's computer automatically identifying and sending an electronic transaction acknowledgment email (col 11, lines 2-16). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to automatically identify and send the transaction acknowledgment email by the customer computer in order to eliminate the need for "human" intervention, thus speeding up the entire transaction process.

Claim 46: Bisbee discloses a method for tracking electronic commerce information as in Claim 43 above, but does not explicitly disclose that the electronic transaction information comprises customer demographic information. However, Talati discloses a similar method for tracking electronic commerce information which also maintains customer demographic information, such as account number, originator's personal information (col 9, lines 39-41), birth date, mother's maiden name, social security number (col 11, lines 1-2), delivery address, etc. Therefore, it would have been obvious

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to one having ordinary skill in the art at the time the invention was made to include such personal information into the transaction database. One would have been motivated to include this type of information in order to facilitate the identification of the customer during the transaction and during the retrieval of the information (ensuring only "authorized" requests are filled).

Claims 47-50: Bisbee discloses a method for tracking electronic commerce information as in Claim 24 above, but does not explicitly disclose that the electronic transaction information includes the name and cost of the products purchased. However, Talati discloses a similar method for tracking electronic commerce information which also maintains the products purchased, their cost, transaction identifiers, shipping information and other information in the transaction database (col 3, lines 12-19).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to store all of the information pertaining to the transaction in Bisbee's transaction database, to include the products purchased and their costs. One would have been motivated to include these types of data in the transaction database in order to facilitate the retrieval and verification of the transaction data at a later time as disclosed by Bisbee (col 5, lines 43-54).

Claim 51: Bisbee and Talati disclose a method for tracking electronic commerce information as in Claim 50 above. While neither reference discloses accessing a third party shipping Internet site to retrieve shipment status information, the Examiner notes

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that it is old and well known within the shipping industry to make such information available to their customers. Most, if not all, major shipping companies, such as FedEx, UPS, and DHL, offer shipment tracking features online (See Shavit et al listed below). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to allow the customer to access a third party shipping site to retrieve shipping status information. One would have been motivated to allow access to such a site in order to customer to better plan for the arrival of the ordered products, e.g. just-in-time delivery.

Claims 55, 56, and 58: Bisbee discloses a method for tracking electronic commerce information as in Claim 24 above, but does not explicitly disclose updating the transaction database with shipping information. However, Talati discloses a similar method for tracking electronic commerce information, which also discloses including the shipping information in the transaction database by receiving the information from the customer (col 10, lines 64-66) or the retailer (col 12, lines 35-39). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include and update shipping information in the Bisbee transaction database. One would have been motivated to include and update this information in order to enable both the customer and the merchant to verify the delivery address for the products.

Claim 57: Bisbee and Talati disclose a method for tracking electronic commerce

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information as in Claim 55 above. Talati also discloses that the transaction information (to include the delivery address/shipping information) is formatted into HTML and made available on a web page as discussed in reference to Claims 26 and 42 above.

13. Claims 44, 45, and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bisbee et al. (5,615,268) in view of Jermyn (6,026,370).

Claims 44, 45, and 54: Bisbee discloses a method for tracking electronic commerce information as in Claim 43 above, but does not explicitly disclose that the electronic transaction information retrieved from the transaction database comprising a list of products often purchased using electronic commerce transactions or the relative popularity of various electronic commerce sites. However, Jermyn discloses a similar method for tracking electronic commerce information which also discloses using the information in the transaction database, such as products purchased, popularity of electronic retailers, etc. to target special offers to a subset of customers (see Abstract). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the information stored in the database of Bisbee to present targeted offers to one or more of the customers. One would have been motivated to use the stored information in this way in order to provide another avenue of revenue for the system operator.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Brisebois et al (6,330,550) discloses a method and program for obtaining electronic commerce purchases in which the transaction email is sent to a customer's address on a profile server (i.e. registered email address), which then routes the email to the customer's true email address (column 6, lines 41-65).

b. Kolling et al (5,920,847) discloses a method and program for electronic bill payment which uses blind messages to verify transactions.

c. Wagener et al (5,793,028) discloses a method and program for electronic transaction security based on transaction codes in the messages.

d. Bizrate.com, "Press Releases" discloses giving members "spam-free" e-mail addresses to use whenever shopping online" (page 2).


e. Bizrate.com. "BizRater Rebates" discloses members "get your free BizRate Shopping Email Address and use it whenever you buy online" (page 1).

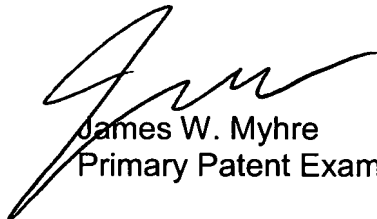
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Myhre whose telephone number is (571) 272-6722. The examiner can normally be reached on Monday through Thursday 6:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JWM
July 11, 2007


James W. Myhre
Primary Patent Examiner